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DE RUEHGB #2613/01 2301437

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FM AMEMBASSY BAGHDAD

TO RUEHC/SECSTATE WASHDC IMMEDIATE 8893

INFO RUCNRAQ/IRAQ COLLECTIVE IMMEDIATE

RHMFISS/HQ USCENTCOM MACDILL AFB FL IMMEDIATE

RHMFISS/HQ USEUCOM VAIHINGEN GE IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 002613

SIPDIS

E.O. 12958: DECL: 08/31/2018

TAGS: PGOV PHUM PREL TU IZ

SUBJECT: KIRKUK: S/A KRAJESKI FINDS NO COMPROMISE IN KIRKUK

REF: A. BAGHDAD 2607

B. BAGHDAD 2610

Classified By: Senior Advisor Thomas Krajeski; reasons 1.4b and d

¶1. (C) SUMMARY: Senior Advisor Thomas Krajeski traveled to Kirkuk August 13 to engage political leaders on the failed passage of the Provincial Elections Law and to encourage compromise from all sides toward a workable solution for the troubled province. Kurdish leaders made clear their desire to bring Kirkuk into the KRG, claiming the right to do so under Article 140 of the Iraqi constitution and the Regions Law. Arab leaders requested greater USG pressure on the Kurds to compromise, and rejected an open referendum. Turkomen leaders asked for a stronger role by UNAMI and expressed a desire for a &special status& for Kirkuk. Kirkuk's ethnically based parties are nowhere near a compromise on the status of the province. They are dug in and sniping at each other, only verbally for the moment, but the prospect of more violence cannot be dismissed. END SUMMARY.

¶2. (C) Senior Advisor Thomas Krajeski traveled to Kirkuk August 13 to discuss the recent failure of the Council of Representatives (CoR) to pass a Provincial Elections Law, and to explore possible solutions for the status of Kirkuk. In meetings with Governor Abdulrahman Mustafa, Deputy Governor Rakan Saeed, PC Chairman Rizgar Ali, and representatives of the Turkomen, Arab, and Kurdish blocs of the PC, S/A Krajeski expressed disappointment that CoR discussions on the elections law became a forum for debating the status of Kirkuk. He stated that a solution for Kirkuk imposed by one party on the others is not realistic or sustainable. S/A Krajeski asked the leaders of Kirkuk to agree on a solution that is palatable to all Kirkukis ) which in turn will have support from the U.S. Government and UNAMI.

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Kurds: Solution Must be Found in the Constitution  
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¶3. (C) Governor Abdulrahman Mustafa (Kurd, independent) agreed that the failure of the CoR to pass an elections law was a disappointment. He also concurred with S/A Krajeski's statement that a solution for Kirkuk must be one that satisfies all parties. When queried by S/A Krajeski on possible solutions for Kirkuk, Governor Mustafa had little to offer other than to say &it is up to the political parties to reach an agreement on this" (although he also referred approvingly to a statement issued by Ayatollah al-Sistani supporting a referendum). Governor Abdulrahman said the only way to solve the Kirkuk problem is through the Iraqi constitution ) Article 140 and the Regions Law ) and that there is a need for everyone to be patient.

¶4. (C) Referring to exaggerated media coverage, Abdulrahman said the portrayal of Kirkuk as a place ready to &blow up& is incorrect. He referenced a recent visit by the Iraqi Minister of Defense (MOD) to Kirkuk. He said the MOD agreed

with the Kurdish assertion that Kirkuk is secure and there is no need to bring extra troops into the province. According to the Governor, the MOD told PC Chairman Rizgar Ali that Kirkuk is one of the most secure provinces in Iraq. Governor Abdulrahman stated he is a proponent of "joint administration" (i.e., an equitable distribution of provincial government positions). He pointed out that several senior positions in the province are held by Arabs and Turkomen and said a census of all departments will confirm this.

¶ 15. (C) PC Chairman Rizgar Ali (Kurd, PUK) stated that any solution for Kirkuk must be based on the constitution, saying that if one part of the Iraqi constitution is abrogated then the entire constitution could be abrogated. In response to arguments made by some Arab politicians that Article 140 is no longer valid, he noted that many Arabs have accepted monetary property compensation claims that are a part of the Article 140 normalization process. When asked if he thought that the invocation of the Regions Law by his Provincial Council violated Article 140 and the constitution, Rizgar answered using an analogy. He compared Article 140 and the Regions Law to two parallel rivers that ultimately join to form one strong river. S/A Krajeski replied that only Kurds are riding in the boats down these rivers. S/A Krajeski asked Rizgar what he thought of the idea of turning Kirkuk into a special autonomous region. Rizgar answered he would be open to this idea as long as the KRG controls the administration of Kirkuk. S/A Krajeski pointed out that if the KRG controls the administration then the province is not autonomous.

BAGHDAD 00002613 002 OF 003

¶ 16. (C) Rizgar brought up the subject of KRG President Massoud Barzani's visit to Kirkuk on August 8. He stated that Barzani is ready to meet with the Iraqi Turkmen Front (ITF), emphasizing that this is a very new and important development. He advised the USG to make sure that Turkey understands the significance of this overture. Rizgar said that the Kurdish leadership is ready for open dialogue with the ITF anytime.

¶ 17. (C) In a meeting with eight representatives of the Kurdistan Brotherhood List (KBL) from the PC (most, but not all, of whom are Kurdish), KBL leaders reiterated the same constitutionality arguments. Mohammed Kamal, KDP member of the PC, stated that all points in Article 24 of the vetoed Provincial Elections Law violated the constitution. He called Kurdish control of Kirkuk a &red line8, and said the GOI could take the oil, but could not have the city. Kamal did say, however, that the Kurds are open to negotiations over joint administration of the province, which he defined as distribution of administrative positions, not fixed representational percentages for ethnic/political groups in the Kirkuk PC.

¶ 18. (C) Other KBL members said they shared USG disappointment over the delay in passage of a viable Provincial Elections Law. Babakir Siddiq said the large number of attendees at the July 28 KDP/PUK-organized demonstration is proof that Kurds make up a majority of the province. Rebawar Talabani expressed a desire for the 1968 population data to be used as a temporary census for Article 140. KBL representatives stated they will present documentation to UNAMI regarding population figures and Saddam era deportations. S/A Krajeski said that since the Kurds are the strongest party in the province, they have the primary responsibility to make a workable compromise.

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Arabs ask for US pressure  
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¶ 19. (C) Arab leaders repeatedly asked S/A Krajeski to press the Kurds to compromise on the elections law. Deputy

Governor Rakan Saeed (Arab, Iraq Republican Gathering) said he was disappointed that he did not see much USG pressure in the CoR during negotiations over the elections law. S/A Krajeski assured Rakan that the US Embassy was very involved.

Rakan stated that Article 24 of the vetoed Provincial Elections bill was completely constitutional, and similar to the &Thirteen Points8 agreement signed by the Arab and Kurdish blocs of the Kirkuk PC in December 2007. S/A Krajeski pointed out that the December 2007 agreement involved a distribution of administrative positions, not Council seats and called the vetoed Provincial Elections bill a "bad law."

¶10. (C) Rakan said the Arabs do not trust agreements with the Kurds since the 2007 agreement was never fully honored, referring specifically to a provision calling for removal of militias from the city. Rakan expressed pessimism over the prospects for the passage of a Provincial Elections Law, at one point saying he thought there would be no compromise for Kirkuk and problems will continue. S/A Krajeski asked what Rakan thought about a solution involving a &special status8 for Kirkuk. Rakan responded positively to this, but then clarified that no group could be allowed to dominate the others.

¶11. (C) Similar complaints were made by two Arab PC members in a separate meeting. Sheik Abdullah Sami al-Assi stated that failure to implement the &Thirteen Points8 agreement is proof that the Kurds do not stick to their agreements. He maintained that any solution must be based on Kirkuk not becoming part of the KRG. Mohammed Khalil mentioned the August 8 Massoud Barzani visit and said that the Arabs and Turkomen chose not to attend because they knew Barzani would make provocative statements about Kirkuk joining the KRG. S/A Krajeski asked if Article 140 could be used as a framework for a compromise on Kirkuk. Sheik Abdullah responded that the Arabs would be willing to negotiate on anything as long as it is guaranteed that Kirkuk will not be a part of the KRG.

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Turkomen want special status  
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¶12. (C) S/A Krajeski also met with three representatives of the Turkomen bloc of the Kirkuk PC August 13. Tahseen Kahea stated the Turkomen are currently marginalized and have no political or administrative power. He asked for a stronger and more direct role for UNAMI in Kirkuk. Any solution,

BAGHDAD 00002613 003 OF 003

according to Tahseen, must be acceptable to all with no clear winners or losers. S/A Krajeski asked if full implementation of Article 140 ) including all three phases ) would be acceptable to the Turkomen. Tahseen avoided answering this directly, stating that there are differences in ideas regarding implementation of Article 140. The Turkomen backed a plan for Kirkuk that involves a &special status8 for a set period of time ) Tahseen suggested eight years. They complained about the slow implementation of the normalization process, particularly the resolution of land disputes. S/A Krajeski encouraged the Turkomen to continue engaging Arabs and Kurds to find a workable solution.

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